

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ARTHUR HIRSCH,)
)
Plaintiff,)
)
v.) CA NO. 2:10-cv-00134-HGD
)
WILLIAM G. MATHEWS, et al.,)
)
Defendants.)

MOTION TO DISMISS OF DEFENDANT
DESIGNATED AS "ARDMORE POLICE DEPARTMENT"

The defendant designated in the complaint as "Ardmore Police Department" moves to dismiss the claims against it in the complaint on the following grounds:

1. The complaint fails to state a claim upon which relief may be granted as to said defendant. See Fed. R. Civ. P. 12(b)(6).
2. Said defendant does not constitute a legally suable entity.

s/ George W. Royer, Jr.
George W. Royer, Jr.

s/ David J. Canupp
David J. Canupp

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Attorneys for Defendant designated as the "Ardmore Police Department"

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing upon with the Clerk of the Court using the CM/ECF system and that I have served a copy of the foregoing by depositing a copy of the same in the United States mail, postage prepaid and properly addressed to:

Arthur Hirsch
3121 Buffalo Road
Lawrenceburg, TN 38464

on this the 12th day of March, 2010.

s/ George W. Royer, Jr.
George W. Royer, Jr.